

SOUTHERN DISTRICT OF NEW YORK

-----X
BENTHOS MASTER FUND, LTD,

Petitioner,

-against-

AARON ETRA,

Respondent.
-----X

ORDER

20-CV-3384 (VEC) (KHP)


KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE.

This morning, Respondent emailed the Court the attached correspondence seeking conversion of today's Evidentiary Hearing to teleconference in light of Respondent's representation that he is not feeling well. Petitioner responded that while Respondent has "selectively invoked health issues over the past two years," it does not object to conducting the hearing remotely. While the Court is skeptical regarding Respondent's claims as to his health, out of an abundance of caution **the Evidentiary Hearing scheduled for today at 2:00 p.m. is converted to a Teams teleconference.** At the scheduled time, the parties shall connect to the Teams conference via the following link: teams@meet.vc.uscourts.gov; Conference ID: 111 643 113 5. The public may dial into the conference audio at +1 646-453-4442,,721294029#, Phone Conference ID: 721 294 029#.

The Court also notes – and reminded Respondent *yesterday* – that correspondence to the Court by email rather than ECF violates the Court's rules. Correspondence with the Court must be filed via ECF. In the future, the Court may not consider requests that are not filed on ECF.

SO ORDERED.

Dated: October 6, 2022
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge

From: [Aaron Etra](#)
To: [Parker NYSD Chambers](#)
Cc: [Steven R. Popofsky](#)
Subject: Re: 20-cv-3384 Benthos v. Etra Order
Date: Thursday, October 6, 2022 11:32:32 AM

CAUTION - EXTERNAL:

Dear Judge Parker,

As always, Mr. Popofsky selectively exaggerates and ignores.

He has seen me in Judge Caproni's courtroom the one time my frail health permitted me to attend. I am 81 years of age with multiple hematology, oncology and GI conditions, with recent consequences of being hit by an MTA bus, shingles and always prone to viruses.

My travels have been limited to either sources of therapy or where it is available.

Mr. Popofsky has continued to attack me with his Subpoenas, Restraining Orders and Contempt Motions, knowing I am a sole pro se non-litigator and that I cannot afford private legal assistance and do not have Benthos funds or any other funds to meet the outsized award which he is enforcing. He gives me no reasonable time to deal with all of them while contacting as recently as this week who is acknowledged (even in a letter to Your Honor) to be the source of the settlement whose amount he set and has agreed to.

For all these reasons, I have requested that Your Honor accept what I have already filed with you and give Mr. Popofsky time to formulate his questions and send them with any documents he has to me for answering at a reasonable time after October 18th.

Respectfully,

Aaron Etra
917-856-3500

From: Steven Popofsky <SPopofsky@kkwc.com>
Date: Thursday, October 6, 2022 at 10:44 AM
To: Parker NYSD Chambers <Parker_NYSDChambers@nysd.uscourts.gov>
Cc: Aaron Etra <aaron@etra.com>, Ellie Taylor <etaylor@kkwc.com>
Subject: RE: 20-cv-3384 Benthos v. Etra Order

Dear Judge Parker:

Petitioner would be happy to conduct the hearing by Zoom or any other remote means. Although I would prefer not to expose myself to the courthouse if avoidable, I am also prepared to appear in your courtroom with Mr. Etra appearing remotely. In

either event we respectfully request that the hearing proceed.

Although I have not been able to view Mr. Etra's attachment, I respectfully dispute that I have "seen [his supposedly] frail health." This individual traveled to Europe at least nine times over the past two years, including recently and including three times during the Covid pandemic before he, or anyone else in the world, could have been vaccinated. He has selectively invoked health issues over the past two years and should not be permitted to continue to do so.

Nonetheless, of course we do not seek to require him to attend in person if he claims to be potentially contagious.

STEVEN R. POPOFSKY

D 212.880.9882 | spopofsky@kkwc.com
F 212.986.8866 |



Kleinberg, Kaplan, Wolff & Cohen, P.C.
500 Fifth Avenue, New York, NY 10110
kkwc.com | Follow us on [LinkedIn](#)

[Read our latest insights](#) and sign up to receive our latest client alerts, invitations to events and more.

From: Aaron Etra <aaron@etra.com>
Sent: Thursday, October 6, 2022 10:34 AM
To: Parker NYSD Chambers <Parker_NYSDChambers@nysd.uscourts.gov>
Cc: Steven Popofsky <SPopofsky@kkwc.com>
Subject: FW: 20-cv-3384 Benthos v. Etra Order

Dear Judge Parker,

I woke up this morning shivering, sneezing and coughing. I took my vitals and I am attaching the results which are dangerously high and way outside my safe zone for anything other than staying at home or going to the hospital if they continue to deteriorate. It may mean also that I contracted a virus while praying in community these days of the Jewish High Holidays and I am contagious.

Please advise what you want me to do regarding the hearing . If I can still maintain this level I will try to stay at home and can participate by phone or zoom. If I have to go to the hospital, and I will advise you, that will not be possible.

Mr. Popofsky has seen my frail health in person and I have advised Your Honor and all other judges of it. It was one reason why I respectfully asked to be given sufficient time to deal with all of Mr.

Popofsky's questions and demands after this High Holiday period, including for this evidentiary hearing, while filing with Your Honor in advance all the evidence I can provide and having received nothing from Mr. Popofsky.

I await hearting from Your Honor.

Respectfully,

Aaron Etra
Tel. 917-856-3500

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.